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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN THE MATTER OF THE PETITION OF NORTH
EAST MARINE, INC. AS OWNER OF THE TUG
ELENA, A 35' DECK BARGE AND A 40' DECK
BARGE, FOR EXONERATION FROM AND
LIMITATION OF LIABILITY,

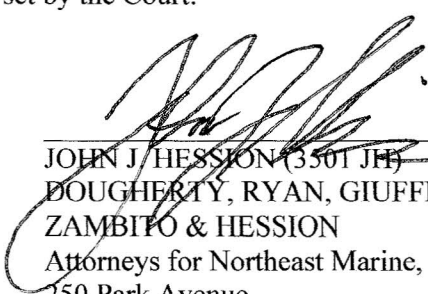
Index No: 09 Civ. 5600 (J.Ammon)

NOTICE OF MOTION

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PLEASE TAKE NOTICE, that upon the declaration of John J. Hession, Esq. and the Exhibits annexed thereto, Northeast Marine, Inc. does hereby make the within motion for an Order: 1) discharging Nicoletti, Hornig as Counsel for Northeast Marine, Inc.; 2) directing The Northern Assurance Company of America to assume liability for the defense of Northeast Marine, Inc. against all claims; 3) directing Northern Assurance to indemnify Northeast for all claims in this and related actions; and 4) directing Northern Assurance to pay the legal expenses of independent counsel, appointed by Northeast Marine, Inc.

Said motion shall be heard at a date and time set by the Court.

Dated: New York, New York
October 5, 2011


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